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**MAR 18 2005**

In re Application of  
SoonHo Kim et al  
Application No. 10/775,772  
Filed: February 9, 2004  
Attorney Docket No. 9040-27

: **OFFICE OF PETITIONS**  
: **DECISION GRANTING**  
: **PETITION**  
:  
:

This is a decision on the paper styled "PETITION TO ACCORD THE PROPER FILING DATE" filed July 2, 2004, requesting that the above-identified application be accorded a filing date of February 9, 2004, rather than the presently accorded filing date of February 10, 2004.


Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail February 9, 2004, pursuant to the requirements of 37 CFR 1.10. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt no. EV353594128US. The same Express Mail receipt number appears on the original Application Transmittal Letter submitted with the instant application. It is noted that while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a receipt stamp dated "February 9, 2004" but the City and the State where the package was accepted is not legible. Further, the copy of the USPS Track/Confirm system information shows that the package in question was enroute on February 9, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on February 9, 2004. Accordingly, the instant application is entitled to a filing date of February 9, 2004 and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Technology Center AU 1756 for examination in due course.

  
Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy